
A BILL FOR AN ACT

RELATING TO MILITARY AND OVERSEAS CIVILIAN ABSENTEE VOTERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

PART I

SECTION 1. Chapter 15, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . MILITARY AND OVERSEAS CIVILIAN ABSENTEE VOTERS

§15-A Definitions. For the purpose of this part:

"Absent uniformed services voter" means:

- (1) A member of a uniformed service who, by reason of such service, is absent from the place of residence where the member is otherwise qualified to vote; or
- (2) A spouse or dependent of a member of a uniformed service who, by reason of the service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

"Covered election" means any general, special, primary, or election for federal, state, or county government office conducted according to election laws of this State.



1 "Overseas civilian voter" means a United States citizen who
2 is outside the United States and who:

3 (1) Is qualified to vote in this state;

4 (2) Would be eligible to vote in this state, if this state
5 was the last place in which the citizen was eligible
6 to vote, or, if the person had been of voting age,
7 would have been eligible to vote, before leaving the
8 United States; or

9 (3) In the case of a citizen who was born outside the
10 United States and who is not included in paragraph (1)
11 or (2), would be eligible to vote in this state if a
12 resident of this State and if this State was the last
13 place in the United States in which one of the
14 citizen's parents was eligible to vote.

15 "Uniformed services" means the United States Army, Navy,
16 Air Force, Marine Corps, Coast Guard, Merchant Marines, National
17 Guard, the commissioned corps of the Public Health Service, and
18 the commissioned corps of the National Oceanic and Atmospheric
19 Administration.

20 "United States" where used in the territorial sense, means
21 the fifty states, the District of Columbia, the Commonwealth of
22 Puerto Rico, Guam, the Virgin Islands, and American Samoa.



1 **§15-B Transmission of unvoted ballot.** (a) For all
2 covered elections, the official charged with preparing and
3 distributing ballots and election materials in each jurisdiction
4 shall prepare a sufficient number of absentee ballots as soon as
5 possible after receiving information concerning candidates to be
6 voted on at the election, and shall immediately transmit
7 absentee ballots and related balloting materials to all absent
8 uniformed services voters and overseas civilian voters who have
9 applied for an absentee ballot.

10 (b) No later than forty-five days before an election, each
11 clerk, with the assistance of the chief election officer, as
12 appropriate, shall make available by electronic means, including
13 by facsimile transmission, an unvoted absentee ballot and
14 related balloting materials to any absent uniformed services
15 voter or overseas voter who by that date has submitted a valid
16 absentee ballot application requesting electronic transmission
17 of absentee balloting materials.

18 (c) An absent uniformed services voter or overseas
19 civilian voter may request to receive an absentee ballot and
20 related balloting materials by electronic mail, or internet
21 delivery, where available. Each clerk, with the assistance of
22 the chief election officer, shall transmit the absentee ballot



1 and related balloting material to the voter using the electronic
2 transmission method requested by the voter.

3 (d) When an absentee ballot application of an absent
4 uniformed services voter or overseas voter arrives after the
5 jurisdiction has begun transmitting absentee balloting materials
6 to voters, the official charged with distributing ballots and
7 election materials shall transmit the absentee balloting
8 materials to the voter as promptly as possible.

9 (e) A local election jurisdiction that maintains an
10 Internet site shall make available on the Internet site
11 downloadable versions of absentee ballots and voting
12 instructions for absent uniformed services voters and overseas
13 voters, as well as the most updated state and county balloting
14 materials.

15 (f) Notwithstanding any other law, this section shall take
16 effect on July 1, 2012.

17 **§15-C Acceptance of federal write-in absentee ballot. (a)**

18 In a covered election, an absent uniformed services voter or an
19 overseas voter may use the Federal Write-In Absentee Ballot
20 approved under the Uniformed and Overseas Citizens Absentee
21 Voting Act, 42 United States Code Section 1973ff, if the voter
22 affirms that:



1 (1) The voter submitted a Federal Post Card Application or
2 other application requesting a federal absentee ballot
3 in time to be received by the later of:

4 (A) Thirty days prior to the election; or

5 (B) The last date for other voters in the state to
6 apply for an absentee ballot for the election;

7 and

8 (2) The voter has not received the requested absentee
9 ballot.

10 (b) Section 11-15 notwithstanding, in a covered election,
11 an absent uniformed services voter or an overseas civilian voter
12 may use the Federal Write-In Absentee Ballot transmission
13 envelope's voter declaration as a request for registration and
14 an application for a state absentee ballot simultaneous with the
15 submission of the Federal Write-In Absentee Ballot. The request
16 for registration and application for an absentee ballot shall be
17 accepted if:

18 (1) It is received by the later of the thirty days prior
19 to the election, or the last day for registering to
20 vote; and

21 (2) The voter is otherwise eligible to vote in the
22 jurisdiction to which the request is submitted.



1 **§15-D Registration.** Notwithstanding any law to the
2 contrary, an absentee uniformed services voter or overseas
3 civilian voter who returns to the state after the last day of
4 registering to vote for that year shall be entitled to register
5 and vote in the next covered election under procedures to be
6 established by the chief election officer, in consultation with
7 the county clerks."

8 SECTION 2. Chapter 15, Hawaii Revised Statutes, is amended
9 by designating sections 15-1 to 15-14 as part 1 and adding a
10 title before section 15-1 to read as follows:

11 "PART I. GENERAL PROVISIONS"

12 PART II

13 SECTION 3. Section 11-16, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) ~~[Any]~~ Except as provided in subsection 15-C(b), any
16 qualified person unable for any cause to present oneself in
17 person before the clerk for registration may register to vote by
18 mail, not later than thirty days prior to a primary or general
19 election, through the affidavit on application for voter
20 registration or other form prescribed by the chief election
21 officer. The form shall include a self-subscribing oath for the
22 applicant to swear to the truth of the allegations in the



1 application. An applicant unable to write for reason of
2 illiteracy, blindness, or other physical disability shall have
3 the applicant's mark witnessed by a person who shall sign the
4 affidavit in the space provided. Application forms shall be
5 made available to any qualified person through community groups,
6 political parties, and other groups prescribed by the chief
7 election officer. Application forms shall be made available to
8 any qualified person at the time of that person's driver's
9 license application or renewal through the examiner of drivers."

10 SECTION 4. Section 11-24, Hawaii Revised Statutes, is
11 amended by amending subsections (a) and (b) to read as follows:

12 "(a) At 4:30 p.m. on the thirtieth day prior to each
13 primary, special primary, or special election (but if the day is
14 a Saturday, Sunday, or holiday then at 4:30 p.m. on the first
15 working day immediately thereafter), the general county register
16 shall be closed to registration for persons seeking to vote at
17 the primary, special primary or special election and remain
18 closed to registration until after the election, subject to
19 change only as provided in sections 11-21(c), 11-22, 11-25, 11-
20 26, 15-D, and this section.



1 (b) Notwithstanding the closing of the register for
2 registration to vote at the primary or special primary election,
3 the register shall remain open for the registration of persons
4 seeking to vote at the general or special general election,
5 until 4:30 p.m. on the thirtieth day prior to the general or
6 special general election (but if the day is a Saturday, Sunday,
7 or holiday then at 4:30 p.m. on the first working day
8 immediately thereafter), at the end of which period the general
9 county register shall be closed to registration and remain
10 closed until after the general or special general election next
11 following, subject to change only as provided in sections 11-
12 21(c), 11-22, 11-25, ~~[and]~~ 11-26~~[-]~~, and 15-D."

13 SECTION 5. Section 15-3.5, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "[~~f~~]**\$15-3.5[~~f~~]** **Federal write-in absentee ballot.**

16 Notwithstanding the provisions of this chapter and chapters 11
17 and 16, and except as provided in section 15-C, the federal
18 write-in absentee ballot for overseas voters in general
19 elections for federal office which must be prescribed under
20 ~~[section]~~ Section 1973ff of ~~[title]~~ Title 42, United States
21 Code, as amended, may be used in general elections for federal
22 offices."



1 SECTION 6. In codifying the new sections added by section
2 1 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

5 SECTION 7. This Act shall take effect on July 1, 2112.



Report Title:

Elections; Absent Uniformed Services and Overseas Civilian
Voters

Description:

Implements voting provisions for absent uniformed services and
overseas civilian voters who have applied for an absentee
ballot, as recommended by Federal Voting Assistance Program.
(HB1899 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is
not legislation or evidence of legislative intent.*

